

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

EDDIE C. RISDAL,

Plaintiff,

vs.

TERRY MAPES, DEPARTMENT OF  
HUMAN SERVICES, PAUL  
FITZGERALD,

Defendants.

No. C05-4053-LRR

ORDER TRANSFERRING CASE

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This matter is before the court pursuant to the plaintiff's application to proceed in forma pauperis. The Clerk of Court filed such application on June 13, 2005. Along with his application to proceed in forma pauperis, the plaintiff submitted a complaint and an application for appointment of counsel.


The complaint is brought under 42 U.S.C. § 1983 and jurisdiction is predicated on 28 U.S.C. § 1343(a). The defendants are located in the Southern District of Iowa and the events giving rise to the plaintiff's claims arose in the Southern District of Iowa. Venue in this district is not proper because the defendants are not located in the Northern District of Iowa and the events giving rise to the plaintiff's claim did not occur in the Northern District of Iowa. *See* 28 U.S.C. § 1391(b). Nevertheless, venue is proper in the Southern District of Iowa because the defendants are located in that district and the plaintiff's claims arose there. *Id.* In the interest of justice, this case is transferred forthwith to the United States District Court for the Southern District of Iowa. *See* 28 U.S.C. § 1404(a); 28

U.S.C. § 1406(a). The Clerk of Court is directed to file the complaint without the prepayment of fees and costs for the purpose of transferring the case, retain a copy of the file and send the entire file to the Southern District at Des Moines.

By this order, the court expresses no opinion as to whether the complaint is barred by 28 U.S.C. § 1915(g),<sup>1</sup> that is, does not rule on the plaintiff's application to proceed in forma pauperis, and the court does not rule on the plaintiff's application for appointment of counsel.

**IT IS SO ORDERED.**

**DATED** this 18<sup>th</sup> day of August, 2005.

  
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LINDA R. READE  
JUDGE, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

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<sup>1</sup> The court notes that, although he did not update his address as is required by Local Rule 3.1(f), the plaintiff is currently confined at the Cherokee County Jail in Cherokee, Iowa. *See, e.g., Risdal v. Royster*, No. C05-4105-LRR (N.D. Iowa 200\_); *Risdal v. Scott*, No. C05-0135-LRR (N.D. Iowa 200\_); *Risdal v. Story County*, No. C05-4098-LRR (N.D. Iowa 2005).